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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,008	05/23/2001	Eiichiro Kitagawa	1232-4717	1859
27123	7590	09/22/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SCHNEIDER, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/864,008

Applicant(s)

KITAGAWA, EIICHIRO

Examiner

Joshua D. Schneider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/1/2005 have been fully considered but they are not persuasive.
2. Applicant has amended the title, but the new title is still not indicative of the invention to which the claims are directed.
3. Applicant has amended claim 5 to overcome the rejection under 35 U.S.C 112, second paragraph.
4. With regards to claim 1,9, and 17, Applicant has argued the rejection under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in further view of U.S. Patent 5,315,705 to Iwami et al. Applicant argues that the rejection has not sufficiently proven at least two criteria, proper motivation to make the suggested combination, and a reasonable expectation of success at arriving at the invention, if the combination of the cited references is made.
5. These arguments are very unclear, and seem to be directed to a failure to teach or suggest all of the claim limitations, rather than what they are stated to be concerning. Applicant has made an unsupported assertion that the AAPA teaches away from the claimed invention. Rather, the AAPA simply teaches a different means of decision making for routing of requests. Iwami is used in combination to make up for this deficiency.
6. Iwami is directed to a communication address management system that is compatible with a plurality of communication application programs. The prior Office Action noted that Iwami teaches a determination unit for determining the type of request, and an address

management table for associating an address with a corresponding type of request. However, Applicant argues that in Iwami, the address management table of Iwai associates the communication address with the type of communication service, but does not associate the communication address with the type of request. It should be clear that the type of request, such as "voice" and "data" request, are based on the function of the sending apparatus. That is, a voice type request is routed differently than a data type request. Applicant seems to be taking a more narrow reading of the word "type," and in doing so has misread the reference and how it applies. It would have been obvious to one of ordinary skill in the art at the time of invention to use the communication address determination of Iwami with the route determination of the AAPA in order to maximize efficiency and correctness in request transmission, in order to implement the class of service requirements necessary to allow data and voice communications to share a line. One of ordinary skill in the art would recognize that the ordering and speed of delivery that is necessary for voice communications to be effective is vastly different than that of data communication, as would be set forth in a quality of service or class of service requirement in the system. Therefore it has not been shown that the claims to a type of request are not met by the teaching of routing based on whether the request is a voice communication request, or a data communication request.

7. As to the expectation of success, one of ordinary skill in the art at the time of invention could surely have taken the request type routing of Iwami and used it to replace the routing control of the AAPA. The level of system design ability is minimal, as there would simply be a change in what type of information the routing controller uses to determine the destination. Therefore, the arguments are found to be not persuasive.

*Specification*

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 7-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in further view of U.S. Patent 5,315,705 to Iwami et al.

11. With regards to claims 1, 9, and 17, the AAPA teaches request generation means (Figs. 8 and 10, elements 202, 204, and S201), sending means for sending the request to the external control apparatus (Figs. 9 and 10, elements 205, 208, and 210), processing means for executing the request generated by said request generation means (Figs. 8, 9, and 10, elements 206, 207, and 211), memory for storing correspondence data of a request type and destination (inherent to request determination), and route determination means for sending the request generated by said request generation means to one of said sending means and said processing means with reference to the data stored in said memory (Figs. 8 and 10, element 205). The AAPA does not explicitly teach that the storing of the request type and destination data in a memory. The AAPA instead discusses the use of switching between host and local control modes, and depending on the mode routing requests for processing. Iwami teaches a destination control unit that includes a

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determination unit for determining the type of request, and an address management table for associating an address with a corresponding type of request (see abstract, Figs. 1, 2, and 8, column 1, line 37, through column 2, line 18). It would have been obvious to one of ordinary skill in the art at the time of invention to use the communication address determination of Iwami with the route determination of the AAPA in order to maximize efficiency and correctness in request transmission.

12. With regards to claims 2 and 10, the AAPA teaches reception means for receiving commands from the external control apparatus, wherein the processing means executes the command (page 2, lines 1-8).

13. With regards to claims 3 and 11, the AAPA teaches update means for updating the destination stored in said memory (page 3, line 13, through page 4, lines 27).

14. With regards to claims 4 and 12, the AAPA teaches the updating of the routing destination on the basis of a command from the external control apparatus (page 3, lines 17-27).

15. With regards to claims 7, 8, 15, and 16, the AAPA teaches the depending of the destination stored in connection with the control mode status, the requests are sent are sent to either the sending or processing means.

16. Claims 5, 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant Admitted Prior Art (AAPA) and .S. Patent 5,315,705 to Iwami et al. as applied to claims 1-4, 7-12, and 15-17 above, and further in view of U.S. Patent 6,259,469 to Ejima et al.

17. With regards to claims 5 and 13, the AAPA teaches determining a mode through the use of control mode detection. The AAPA fails to explicitly teach the detection of the connection state to determine the request routing. Ejima teaches detecting the connection status, and in the

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apparatus is not connected, sends the request to the processing means (column 34, line 63, through column 35, line 7). This is helpful, because a host computer usually controls cameras when they are connected, as the interfaces are larger and generally allow for easier use. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the connection detection of Ejima with the control mode switching of the AAPA in order to create an automatic control system that requires less user action to achieve desired control mode switching.

18. With regards to claims 6 and 14. The AAPA fails to explicitly teach the detection of the connection state to determine the request routing. The AAPA does teach that the apparatus is initialized to a local control mode (page 3, lines 1-4). Ejima teaches detecting the connection status, and in the apparatus is not connected, initializes the data in the memory to process the data internally (column 34, line 63, through column 35, line 7). This is helpful, because a host computer usually controls cameras when they are connected, as the interfaces are larger and generally allow for easier use. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the connection detection of Ejima with the control mode switching of the AAPA in order to create an automatic control system that requires less user action to achieve desired control mode switching.

### *Conclusion*

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS

  
KIM HUYNH  
PRIMARY EXAMINER  
9/16/05